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09/921,127	08/03/2001	Christian Kraft	004770.00787	6446
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BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			PEACHES, RANDY	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/921,127

Applicant(s)

KRAFT, CHRISTIAN

Examiner

Randy Peaches

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>19/5-6-06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 1 and 4-9*** are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (U.S. Patent Number 5,953,541) in view of Walker (U.S. Patent Number 6,528,741 B2).

Regarding ***claim 1***, King et al discloses in column 9 lines 10-15, a method of entering data into a non-ambiguous system (50) using keystrokes, where text is displayed on a computer display (53), which reads on claimed "entering characters into a text string by means of a non-ambiguous word editor, wherein

- a user is providing a key stroke by pressing one of the data entry-keys (56), which reads on claimed "alpha-numeric keys", for selecting a character group comprising letters, numbers, and other symbols, hereinafter referenced as "characters", which reads on claimed "plurality of characters for entering a desired character", included in this group. See columns 3, 9, 12 lines 20-25 lines 48-56 lines 5-25, respectively.

- a character from said character group is displayed upon detection of the keystroke. See column 9 lines 58-60.
- the user is allowed to scroll through the characters included in the character group for appointing the desired character, and (See column 4 lines 55-64)
- the user selects the appointed character to be inserted into the entered text. (See column 22 lines 30-44).

However, King does not disclose wherein the user presses one alphanumeric key on a wireless telephone in order to provide said keystroke for selecting a character group. King also fails to disclose wherein a one of the alphanumeric keys become dedicated for scrolling.

Walker discloses in column 1 lines 8-14, 38-47, of a mobile telephone, which reads on claimed "wireless telephone", with a character selecting means for selecting characters for entry into the device. Walker further teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3) used in conjunction with a second keys (2), used to scroll through characters step by step. ~~The Examiner would like to further explain that~~ **Walker teaches of depressing a second key (2) to display the character group. Once the key is depressed, then the first key (3) is depressed to select the desired character of the character group corresponding to the selected second key (2). See Walker column 2 lines 12-31, 64-67.**

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number

5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claim 8**, as the above combination of King et al (U.S. Patent Number 5,953,541) and Walker (U.S. Patent Number 6,528,741 B2) are made, the combination according to **claim 7**, wherein Walker further teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3), which reads on claimed "scroll key," used in conjunction with a second keys (2), is used permit a user to scroll through characters step by step.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claims 4 and 9**, as the above combination of King et al (U.S. Patent Number 5,953,541) and Walker (U.S. Patent Number 6,528,741 B2) are made, the combination according to **claims 1 and 7**, wherein Walker further teaches in the in column 2 lines 32-47, where the user is able to utilize the said first (3), which reads on claimed "scroll key," and second key (2), is used permit a user to scroll with distinctive strokes to select desired characters.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number

5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claim 5**, King et al discloses in column 9 lines 10-15 text-editing terminal, comprising:

- a user is providing a key stroke by pressing one of the data entry-keys (56), which reads on claimed "alpha-numeric keys", for selecting a character group comprising letters, numbers, and other symbols, hereinafter referenced as "characters", which reads on claimed "plurality of characters for entering a desired character", included in this group. See columns 3, 9, 12 lines 20-25 lines 48-56 lines 5-25, respectively.
- a character from said character group is displayed upon detection of the keystroke. See column 9 lines 58-60.
- the user is allowed to scroll through the characters included in the character group for appointing the desired character, and (See column 4 lines 55-64)
- the user selects the appointed character to be inserted into the entered text. (See column 22 lines 30-44).

However, King does not disclose wherein the user presses one alphanumeric key on a wireless telephone in order to provide said keystroke for selecting a character group. King also fails to disclose wherein a one of the alphanumeric keys become dedicated for scrolling.

Walker discloses:

- a miniaturized keyboard/keypad, as taught in Walker FIGURE 1 column 1 lines 15-20, for entering characters into a text, said keypad has at least a plurality of character entry keys having respective groups of characters assigned. See Walker, FIGURE 1;
- a display (4) for displaying the entered text; See Walker, FIGURE 1 column 1 lines 56-57.
- a first key (3), which reads on claimed "scroll key", for appointing one of the characters in said respective groups of characters, and;
- selection means for selecting the appointed character to be inserted into the entered text. See Walker column 2 lines 26-31.
- Walker discloses in column 1 lines 8-14, 38-47, of a mobile telephone, which reads on claimed "wireless telephone", with a character selecting means for selecting characters for entry into the device. Walker further teaches in the Abstract and column 1 lines 55-67 and FIGURE 1, of a first key (3) used in conjunction with a second keys (2), used to scroll through characters step by step.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

Regarding **claim 6**, as the above combination of King et al (U.S. Patent Number 5,953,541) and Walker (U.S. Patent Number 6,528,741 B2) are made, the combination according to **claim 5**, further discloses in Walker's column 1 lines 8-14, of a mobile telephone having email functionality, which reads on claimed "text messaging application".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone to successfully transmit email messages.

Regarding **claim 7**, King et al discloses in column 9 lines 10-15 text-editing terminal, comprising:

- Keystroke sequence, which reads on claimed "predictive editor", for providing word candidates, as taught by King et al in column 11 lines 30-52, in dependence of a sequence of keystrokes provided by the user by pressing one or more of said plurality of data keys (56), as disclosed by King in column 12 lines 5-25.
- the disambiguating system, as taught by King in column 9 lines 48-60, for providing character candidates in dependence of a single key stroke provided by the user by pressing one of said plurality of character entry keys. See King, column 4 lines 55-64.



However, King does not disclose wherein the user presses one alphanumeric key on a wireless telephone in order to provide said keystroke for selecting a character group.

Walker discloses:

- a keypad with a plurality of second keys (2) with a group of character assigned to each. See Walker, FIGURE 1.
- a display (4) for displaying the entered text; See Walker, FIGURE 1 column 1 lines 56-57.
- a first key (3), which reads on claimed "scroll key", for appointing one of the characters in said respective groups of characters, and; See Walker column 2 lines 26-47.
- selection means for selecting the appointed character to be inserted into the entered text. See Walker column 2 lines 26-31.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of King et al (U.S. Patent Number 5,953,541) to include Walker (U.S. Patent Number 6,528,741 B2) in order to allow a user to selectively input characters for a desired text string in a mobile telephone.

***Response to Arguments***

Applicant's arguments filed 5/8/2006 have been fully considered but they are not persuasive.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

The Examiner has fully considered the arguments of the Applicant; however, they are silent with respect to the cited prior art and the claimed limitations of the instant Application.

As stated in the previous Office Actions, the Applicant primarily contests the Examiner's rejection of ***claims 1 and 4-7*** by stating wherein the cited prior art of Walker fails to support the use of a "single" key to scroll through a group of characters. The Applicant clearly denotes in the claimed language two distinct situations pertaining to character scrolling:

- 1.) Use of a single-key to scroll through a group of characters
- 2.) Use of a two-key process to scroll through a group of characters

King clearly details, per above rejection, the use of a single key to scroll through a group of characters. Consequently, the Examiner introduces Walker to provide the missing element of a two key process to provide scrolling of the characters. The Examiner maintains, based on the broadest – most reasonable interpretation of the Applicant's claimed language, that the cited art of King in view of Walker clearly disclose wherein the user scrolls through the characters step by step using another key, first key (3), on

the keypad, that becomes dedicated for scrolling when the said telephone is in editor mode.

Based on the above response and the cited Office Action, ***claims 1 and 4-9*** stand rejected.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randy Peaches  
August 21, 2006

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**